

**IN THE UNITED STATES DISTRICT COURT FOR  
THE NORTHERN DISTRICT OF NEW YORK**

UTICA MUTUAL INSURANCE COMPANY,

Plaintiff,

v.

CLEARWATER INSURANCE COMPANY,

Defendant.

No. 6:13-cv-1178 (GLS/TWD)

**ORAL ARGUMENT REQUESTED**

**NOTICE OF DEFENDANT CLEARWATER INSURANCE COMPANY'S RULE 50(b)  
MOTION FOR JUDGMENT AS A MATTER OF LAW AND RULE 59 MOTION FOR A  
NEW TRIAL OR TO ALTER OR AMEND THE JUDGMENT**

**PLEASE TAKE NOTICE**, that upon the accompanying memorandum of law dated August 5, 2021 and exhibits annexed thereto, defendant, Clearwater Insurance Company, by and through its undersigned counsel, will move this Court, before the Honorable Gary L. Sharpe at the James T. Foley U.S. Courthouse, 445 Broadway, Albany, New York 12207, at 10:00 a.m. on Friday, September 3, 2021, or as soon thereafter as counsel can be heard, for an order granting Clearwater Insurance Company's Rule 50(b) Motion for Judgment as a Matter of Law and Rule 59 Motion for a New Trial or to Alter or Amend the Judgment, and such other and further relief that the Court deems just and proper. Defendant requests oral argument on its motion given the complicated legal and factual issues.

Dated: August 5, 2021

Respectfully Submitted,

**NORTON ROSE FULBRIGHT US LLP**

By: /s/ Thomas J. McCormack

Thomas J. McCormack

John F. Finnegan

Victoria V. Corder

1301 Avenue of the Americas  
New York, New York 10019-6022  
Tel.: (212) 318-3000  
Fax: (212) 318-3400

Joy L. Langford  
799 9th Street NW  
Suite 1000  
Washington, DC 20001  
Tel.: (202) 318-3000  
Fax: (212) 318-3400

*Attorneys for Defendant, Clearwater Insurance  
Company*

**CERTIFICATION OF SERVICE**

I certify that on August 5, 2021, a copy of the foregoing was filed with the Court's electronic case filing system, thereby effecting service on all Counsel of Record.

/s/ Thomas J. McCormack

Thomas J. McCormack